

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOSEPH DIFLUMERA

2004 DEC 29 P 3:01

Criminal No. 04-40002-NMG

JOINT MEMORANDUM ON INITIAL STATUS CONFERENCE

Pursuant to Local Rule 116.5(A) and the Court's Initial Scheduling Order, the government and Defendant Joseph DiFlumera report as follows:

1. No relief need be granted from the otherwise applicable timing requirements.
2. Defendant requests expert discovery. The parties propose the following schedule for expert disclosures: i) government's expert disclosures are due 30 days before trial; and ii) defendant's expert disclosures are due 14 days before trial.
3. Defendant has not completed review of the automatic discovery provided by the government. At this time, the parties do not anticipate making supplemental discovery.
4. No motion date for the Defendant to file motions should be set at this time because Defendant and his counsel are still reviewing the discovery provided by the government. Defendant may ask for deadline for filing these motions at the further status conference that the parties have requested below.

5. Speedy Trial Act

a. The Court, by order dated November 29, 2004, has excluded the twenty-eight (28) day period of automatic discovery between November 19, 2004 and December 18, 2004.

b. The parties further request that the time between December 19, 2004 and the date to be set for the further status conference (as requested in Paragraph 7 below), be excluded under the Speedy Trial pursuant to 18 U.S.C. §3161(h)(8)(A), and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court. Before the further status conference, Defendant will decide whether to file any motions and will continue to review discovery and the parties will discuss the possibility of resolution of this matter. It is parties' position that the ends of justice served by granting this requested exclusion of time outweigh the best interest of the public and the defendant in a speedy trial.

6. It is too early to determine whether a trial is necessary in this case. If, however, the case proceeds to trial, the parties anticipate that it will be a one-week trial.

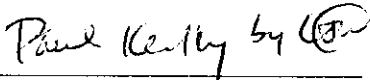
7. The parties request that the Court set a further Status Conference for a date on or after January 29, 2005.

Respectfully submitted,


JOSEPH DIFLUMERA
By his attorney,

MICHAEL J. SULLIVAN
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By:



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DATE: December 28, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery and by fax:

PAUL V. KELLY, Esq.
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175 Federal St.
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This 28th day of December 2004.



LAURA J. KAPLAN
ASSISTANT UNITED STATES ATTORNEY